

The actions delineated below were taken in open session of the EPSB at the December 8, 2014, meeting. This information is provided in summary form; an official record of the meeting is available in the permanent records of the Education Professional Standards Board (EPSB), 100 Airport Road, 3rd Floor, Frankfort, KY 40601

**Education Professional Standards Board (EPSB)
Summary Minutes of the Meeting
EPSB Offices, 100 Airport Road, 3rd Floor
Frankfort, Kentucky**

Call to Order

Chair Cassandra Webb called the meeting to order at approximately 9:00 a.m. EST.

Swearing In of New Board Member Designee

Board secretary Ashley Abshire swore in Cindy Parker as a designee for the Kentucky Department of Education (KDE). Cindy Parker introduced herself as the Director of the Division of Next Generation Learners at KDE.

Roll Call

The following Board members were present during the December 8, 2014, EPSB meeting: Brandy Beardsley, Ellen Blevins, Barbara Boyd, Tolya Ellis, Allen Kennedy, Marie McMillen, Mary John O'Hair, Cindy Parker, Michael Ross, Laura Schneider, Sandy Sinclair-Curry, Shannon Treece, Cassandra Webb, David Whaley, and April Wood. Anthony Strong was absent.

Board's Mission Statement

Chair Webb reminded the Board of its mission statement by reviewing it with the Board and audience.

Open Speak

There were many requests for Open Speak.

Dennis Courtney

Mr. Dennis Courtney introduced himself as an attorney from Murray, Kentucky, who has represented teachers in Western Kentucky for more than 20 years. Mr. Courtney shared his opinion regarding allegations against teachers and said that during his course of representation he has come across a whole gamut of accusations. He stated that he believes the EPSB has moved beyond what should be done to an accused teacher by flagging his/her certificate when accused of something, and said he has represented many teachers who have tried to get jobs elsewhere and didn't receive interviews because human resources and superintendents can see the flag in the system.

He further shared his belief that when an accusation is made these teachers are denominated as accused, and in his opinion, results with there being a cloud over their lives, which affects their lives and affects them psychologically. He said there are times when it is best if a teacher can leave a district and go somewhere else, but with a flag on his/her certificate he/she must stay in his/her district.

Cher Caldwell

Ms. Cher Caldwell introduced herself as a teacher from Union, Kentucky. She reported that on Sunday, November 24, an article by Fox 19 news claimed that hundreds of teachers had been disciplined in Ohio and Kentucky. She stated that the video image posted online with the article and a skim through the article depicted that the teachers in the article were criminals. A link of teachers who have faced discipline in Kentucky was also posted by Fox 19. This link included teachers' names who were not criminals and, in some cases, teachers' names were included whose cases were dismissed. Ms. Caldwell stated her opinion that the reporter, Ms. Wagner, was not the only one to blame for the information to be portrayed this way. She also blamed the EPSB and asked who held the EPSB accountable for lack of discretion. Ms. Caldwell said her name was on the list posted with the Fox 19 article and shared that she was admonished for conduct unbecoming. She stated her belief that when Fox 19 included her name on a list with criminal teachers that gave the appearance she was a criminal too. She also stated her opinion that the EPSB must develop regulations that revise the basis for discipline categories to more accurately describe the accusations made and add a scale to rate the level of severity of violations, and provide the EPSB definitions for terms, such as 'admonishment', with the lists to prevent misunderstandings.

Stephen Collins

Mr. Stephen Collins reported he was from Boone County and said that many teachers have been told they were on the bad teacher list, compared to a sex offender, and broadcasted on the news. He said some teachers' cases were so minor that they received an admonishment, yet they were listed with hardened criminals in the news article. Mr. Collins stated that 'a parent with a grudge' wanted to attack him and the girls soccer coach at his school. He said he never fought the charge because he didn't think it was a serious nature. He said, unfortunately, his name was in the article so he looked like a criminal and this was not fair for an offense that was given an admonishment for him to be deemed a hardened criminal. Mr. Collins said he was told an admonishment was a good deal and he should take it, but if he had known this article would be released, he would rethink not fighting his case. He shared his belief that even the greatest of teachers make mistakes but when they get compared to criminal acts, Kentucky will lose great teachers. He expressed that the EPSB needs a better reporting system so that all teachers don't look like criminals. He further stated the EPSB needs to create a system of designation of teachers who have made minor mistakes versus criminals and a system to have infractions removed over a period of time. He said Kentucky teachers can be human and should not be subjected to public censor.

Edmundo Echeverria

Mr. Edmundo Echeverria said he came to this country 20 years ago as an immigrant and he was fortunate to receive a college education. He reported that he often times felt like a target and that parents questioned whether he could teach their children English and whether his vocabulary was sufficient for their children. He said he received an admonishment and it scared him, and that he accepted the admonishment because it would allow him to continue to teach. He stated that he came to the Board to say he felt treated unfairly. He further stated his belief that it was probably too late for his case to be treated fairly, but he wanted to make a difference for another teacher. He said he only had five (5) minutes to clear his name. Mr. Echeverria stated his opinion that the Board made a mistake; it should try to fix the mistake; and policies can be made.

Steve Oliverio

Mr. Steve Oliverio said that he agreed with everyone who had spoken prior to him in Open Speak. He said his situation was that he was a professional athlete for 20 years and had been teaching for 15 years. He stated his opinion that a parent, who had an agenda against him, was the reason why he ended up having a case. He explained that his name appeared on the list for something he was accused of doing, but it was a 'made up story'. He further shared that when the article was released, one of his students told him he was on the bad teacher list. He said he was admonished and being on the list affected his private business. He also reported that a news article in one of the school districts in Northern Kentucky said it was not going to hire any teacher whose records have a flag from the EPSB. According to Mr. Oliverio, he didn't do anything wrong, and, even though he's a great teacher and coach, he is blackballed and his name was on the list.

Tonya Young

Ms. Tonya Young from Northern Kentucky said her case was dismissed but her name was on the list and the news article was brought to her attention by students. She stated that people can make a complaint against you, whether it's true or not. She reported that after an accusation is made a teacher is immediately placed on administrative leave. She said her case also involved coaching and people can have 'axes to grind'. According to Ms. Young, a cloud follows her everywhere and something needs to be done. She stated her opinion that the list needed to be modified and this Board needed to take a serious look at its policies and what needs to be reported.

Teresa Burkhardt Lankford

Ms. Teresa Burkhardt Lankford stated that her name was on the list and the list was, definitely, not equitable. She also said her name was listed several times and it made it appear that she had several offenses, which she did not. She further stated she has never abused or hurt a child, yet her certificate was suspended for 45 days. Ms. Burkhardt Lankford said she has difficulty to see how a teacher who has been arrested or pushed, shoved, physically, mentally, or sexually abused a child can be admonished, yet she was suspended. She said that despite excellent references she can't find a job and her career has been ruined. She said that she has been publicly humiliated for something that occurred almost 2 years ago, and asked how that a teacher who has never had any infraction can be flagged for life for something that had no bearing in her classroom performance. She claimed the EPSB acted as a judge and jury and sentenced her to life with parole. Ms. Burkhardt Lankford expressed her opinion that something does have to be changed. She suggested the Board needed to revise its policies to be equitable to all teachers because the current system is not. She said everyone deserved to be treated fairly and she was not.

Josh Powell

Mr. Josh Powell said that in 2008 he was hired in Union County. He stated that he declined state assistance for the district and was threatened by KDE that if he didn't use the assist team that his life would be a nightmare through audits and such with the Office of Education Accountability, and he said that had happened. He further said that for some of the best things he has done in education he was written up for and publicly humiliated. Mr. Powell said KDE dismissed those accusations but the EPSB 'took them all on' and tried to get him to admit to things that didn't

happen. He said after about \$500,000 was spent the EPSB told him if he fought at his own defense, then the EPSB would take his certificate for life. He reported that the 47- page OEA report found that he illegally certified a principal, which was a mistake made by the EPSB, and the EPSB wrote a letter acknowledging this. Mr. Powell also alleged that since then, private investigations from the EPSB office and calls with malice from Ms. Sneed have taken place. Mr. Powell stated his intention to put the Board on notice that this whole process was a violation of the constitution. According to him, the Board only receives limited information and must trust what is provided to them is accurate and precise. He said no ethical code is required under the executive branch of government, and when there is that much leeway without measures of protection then misconduct can occur and people's rights can be violated. Mr. Powell shared his belief that things should be changed and should start from ground zero, and he said he has suffered from it. He questioned what happened if the Board flagged a certificate and a teacher has not been charged with anything, and then the prosecution offered a deal. He stated his opinion that it was prosecutorial misconduct. Mr. Powell also offered to share evidence, including audios, concerning conduct of the legal office if the Board was interested.

Dennis Janes

Mr. Dennis Janes introduced himself as an attorney who has been representing educators since 1977. He said he was at the meeting for discussion items A and B, and added his opinion that there were problems with the disciplinary procedures. He shared his belief that the EPSB receives too many trivial cases and accepts complaints from anyone on anything. He also said the EPSB must filter the body of complaints and currently the EPSB doesn't do that very well. According to Mr. Janes, it takes too much time to get cases resolved and can take years to get a hearing scheduled, and those who are falsely accused are blacklisted until then, which is unfair. He also said that once someone made a mistake and had taken measures to correct his/her mistake, there was no way for him/her to cleanse his/her professional record. Mr. Janes said none of these issues were addressed in the proposed regulation to be discussed in discussion items A and B.

Ben Basil

Mr. Ben Basil introduced himself as an attorney from Louisville who has been representing teachers for three (3) years. He stated his opinion that the proposed regulations left out the following: 1) when a charge is initiated, a teacher is not notified of the direct allegation and what needs to be addressed to the Board; 2) there is no time limit for the investigation and nothing defines the scope of investigation or who should do it; 3) no requirement that the Board turn over to teachers what the Board may discover; and 4) if there is a hearing, there is no time limit for when the hearing will be.

JoEllen McComb

Ms. JoEllen McComb introduced herself as an attorney in Lexington who has practiced since 1993 representing teachers and administrators. She stated that she echoed many comments made by fellow counsel and urged the Board to proceed with all deliberate speed to promulgate a complete set of governing procedures and detailed policies from beginning to end. Ms. McComb said she agreed that the proposed regulation for consideration was inadequate and said there was nothing binding the EPSB with timelines. She shared her opinion that the flag on teachers who have cases dismissed was a real problem. She also stated her belief that the EPSB should have a

procedure for ‘cleaning up’ the record of a teacher and that the EPSB should make sure the regulations issued are complete and thorough.

Thomas Haddock

Mr. Thomas Haddock said he currently serves as KEA president of Boone County and received phone calls when teachers were suspended. He shared his belief that it is sad that parents have this much power and encouraged the EPSB to make changes to policy and procedures so Kentucky doesn’t lose good teachers.

Recognition of Former EPSB Member

Chair Webb recognized Dr. Bradley Bielski for his service on the EPSB. She said he was skilled at getting to the center of an issue, taking into consideration all points of view, and had a solution that had all stakeholders in mind. She said Dr. Bielski’s departure was a loss to the Board but knows he is serving in a great capacity.

Dr. Bielski said it was a pleasure serving on the Board and doing work with NTEP and CCSSO. He wished the Board good luck in the future.

Approval of Consent Items

Chair Cassandra Webb requested that Board members identify any items on the consent agenda which they wished to discuss prior to taking final action. No items were asked to be pulled for further discussion.

2014-065

Motion made by Mr. Mike Ross, seconded by Ms. Marie McMillen, to approve the following items on the consent agenda:

October 13, 2014, EPSB Minutes

Master of Arts in Education – Teacher Leader, University of Pikeville

Moderate and Severe Disabilities Grades P-12 Initial (MAEd.), Georgetown College

Moderate and Severe Disabilities Grades P-12 Option 6 (MAEd.), Georgetown College

Vote: *Unanimous*

Dr. Kim Walters-Parker recognized representatives from University of Pikeville and Georgetown College whose program were approved.

Report of the Executive Director

Report from the Kentucky Department of Education (KDE)

The report from KDE was in the Board folders. There were no other questions from the Board.

Report from the Council on Postsecondary Education (CPE)

The report from CPE was in the Board folders. There were no other questions from the Board.

Strategic Plan Update

Deputy Executive Director Jimmy Adams shared some updates to Goals 1 and 2. Goals 3 and 4 had no updates since the October meeting. Ms. Marie McMillen inquired in regards to Goal 1 as to why it would be 2021 before all institutions must be state accredited and Council for the

Accreditation of Educator Preparation (CAEP) accredited. She expressed her concern for this taking so long. More discussion surrounding this concern is discussed below under CAEP updates.

Snow Plans and KTIP

Executive Director Brown said that some districts had alternative snow plans approved by KDE. Staff will be coming back to the Board at a later date to discuss the alternative snow plans and the student teachers' and district teachers' schedules and how to keep the schedules consistent as the Board moves forward.

Kentucky Advisory Council on Internships (KACI) Update

Professional Learning and Assessment Director Donna Brockman introduced Dr. Sharon Brennan and Ms. Janet O'Connell who assisted in the KACI update to the Board. Dr. Brennan is the Director of Field Experiences at the University of Kentucky and Chair of KACI and Ms. O'Connell is a social studies teacher at West Jessamine High School and a member of KACI. Donna Brockman said that the pilot is going very smoothly. 21 public schools and 1 private school are part of the pilot. More information will be brought to the Board on KTIP regulation changes in February with final action anticipated at the April EPSB meeting. She said training will occur May 2015- September 2015 with full state implementation in 2016.

Dr. Sharon Brennan said that KACI meets quarterly and tries to meet a few weeks before the EPSB meets. A subcommittee of KACI also meets at least once a month. This subcommittee is currently working on documents and supplementary material so that procedurally everything is prepared for the April EPSB meeting. She said it is possible that more than 5000 educators will be trained on the new process. Principals, resource teachers, and teacher educators will all be trained. Principals will take a quiz which will show their knowledge of the new regulations, procedures, and policies. Principals will not have to do training on Teachscape. A second part of training will be largely face-to-face but an online system is also anticipated to accommodate all needs.

Ms. Janet O'Connell said that a critical part of the first pilot was to get feedback. Surveys are scheduled to follow the end of each of the three (3) cycles with the first cycle just ending and feedback beginning to be received. She said all first cycle feedback is expected to be received in January. In addition to surveys, focus groups will be held across the state for face time feedback. She said KACI is interested in feedback and seeking thoughtful solutions to ensure statewide implementation next year is successful.

Supporting Educator Effectiveness Development (SEED) Grant Update

Ms. Suzanne Farmer and Ms. Lauren Hill gave a SEED Grant Update. Ms. Suzanne Farmer is the grant manager and Ms. Lauren Hill serves as a hybrid teacher for the grant. She also works part-time as a high school English teacher. Ms. Farmer said that the National Board office released newly certified teacher numbers at the beginning of December. The press release was provided to the Board in their folders. Kentucky had approximately 200 newly certified teachers, which ranks Kentucky 6th place nationally for newly certified candidates and 9th place for the total number of newly certified teachers in the country. Jefferson county ranks 7th in the country for the number of newly certified teachers. The goal set by the legislature is that by 2020 there is a national board certified teacher in every school. Currently 39% of schools do not have a national board certified teacher.

Ms. Lauren Hill said that she has been an educator for 24 years. She said she is looking to find ways for teachers to lead without leaving the classroom, as well as working on finding solutions to what is hampering student learning in classrooms. Ms. Donna Brockman said an article about this work was published in The Washington Post by Ms. Hill.

Dr. Mary John O'Hair thanked Ms. Farmer and Ms. Hill for their work. She said during the prior week she was at the National Board headquarters and they were speaking very highly about the work in Kentucky. Mr. Mike Ross said that he knows national board certified teachers that are about to be recertified and are having difficulty finding resources to be recertified. He said these teachers need help finding resources as this is a real issue.

Council for the Accreditation of Educator Preparation (CAEP) Update

Dr. Kim Walters-Parker introduced Jessica Hill as the new administrative specialist for the Division of Educator Preparation. She said the biggest news right now is not directly with CAEP but what's going on around it and that is the new Title II proposed regulations which are currently under a 60-day comment period.

Drs. Kim Walters-Parker and Manish Sharma attended the first CAEP Data Initiative. Dr. Walters-Parker said she felt a lot of progress was made at this meeting. Dr. Sharma, President of KACTE, said he felt while talking to other states at the CAEP Data Initiative that are ahead of the curve in data and how they utilize data within their states, Kentucky is ahead by things accomplished in KITEP and PARC. He said his hope is efforts for institutions will not have to be duplicated if what Kentucky is doing is accepted by CAEP. Other states are interested in how Kentucky is collecting data, which is positive.

Drs. Kate Shanahan and Margaret Moore reported on the work of the Kentucky Information Technology for Educator Preparation (KITEP). KITEP is a subcommittee of KACTE. The first data institute was held on December 4, 2014, and 19 institutions and 2 state agencies attended. At the institute attendees discussed how to move forward in addressing new standards through CAEP, as well as national and state regulations and initiatives around teacher preparation and supporting quality preparation programs. Dr. Margaret Moore said that KITEP will sponsor a second data institute in the spring. They will also be presenting at the AACTE national conference in February to report on collaborative efforts that Kentucky has ongoing. She said that Kentucky is leading in many ways as part of data initiatives in meeting collaborative efforts with state agencies and setting national agenda levels.

Dr. Verna Lowe said the Program and Accreditation Review Committee (PARC) met on December 5 and was able to view the interactive web-based tool that will be used for the program review and accreditation process. PARC has been meeting for months to determine what data is needed for this tool. This tool will be a great communication tool for institutions to tell their story, show how they are being innovative, and show how they are continually improving. Institutions will only need to do annual updates with this tool, and it will be a very efficient way to prepare for accreditations. Dr. Lowe said PARC is really excited about the progress thus far.

Dr. Mary John O'Hair asked for three key points on how Kentucky is ahead of other states. Dr. Walters-Parker said we have a data system that connects P-workforce. She said we are missing some P-12 achievement data, but it is on the way and estimated to have this data within 90 days. Dr. Walters-Parker said even without the P-12 achievement data we are able to look at

employment and retention of new teachers, connect to TELL survey information, etc. She said the collaboration that we have that connects all the data has already put us in position to know things about students coming into this state for employment, which is one of our major concerns. Dr. O'Hair asked the audience, specifically, if they think Kentucky is doing that yet. She said the Board would really like feedback because they want to be accurate. Dr. O'Hair said she is concerned as a Board if Kentucky has made that progress and is accurate in making that statement.

Ms. Marie McMillen asked if every university has access to the online system. Dr. Walters-Parker said yes, it is hoped they will have access in about six (6) months. Currently EPSB IT staff is making changes to what worked and did not work for the pilot of the online system. Ms. McMillen said she is concerned that this will not work similar to CIITS which was supposed to be wonderful. Dr. Walters-Parker said this is a customized program and is different than what another provider could do.

Chair Webb said she was concerned with the strategic plan. She said the Board was the visionary and felt it was far behind the institutions that are moving forward. She said in July 2013 the Board heard about CAEP standards and the Board has not moved at all. She said she is interested if we are really ahead, and then, is the Board setting the vision or sitting and waiting for everything to be done and then the Board approves it. She said she challenges the EPSB's innovativeness. Chair Webb further said she wants the Board to keep in constant communication with post-secondary. Kim said an example of moving forward is the teacher preparation feedback reports. Dr. Walters-Parker said there may be five (5) states that could put together a report like the one the EPSB completed. Dr. Walters-Parker said that CAEP has had 14 states sign partnership agreements. The accreditation handbook is not yet finished. The consensus of most states has been that until those decision rules in the handbook are in place we would be putting our institutions in a spot to sign something they or the Board can't see yet. January is the anticipated date the handbook will be approved by the CAEP Board and Dr. Walters-Parker hopes that it would be available by the CAEP Spring conference in April.

President Bob King said he was concerned that as this process is unfolding with KCEWS he wanted to know what exactly is going to be measured and reported on. Dr. Walters-Parker said that most of what is being developed thus far is defined by what CAEP and Title II requires to report. She said feedback on data to be measured and reported from the Board and institutions is welcomed.

Dr. Walters-Parker is going to report to the Board at the February EPSB meeting about the measures of data.

Report of the Chair

Report from the Committee to Review the Evaluation of the Executive Director Committee

Chair Cassandra Webb said that Board members should have received an email from Board member Anthony Strong. Ms. Webb said that she and vice-chair Mary John O'Hair will meet with Executive Director Brown within the next couple weeks to discuss goals for his evaluation, the direction, and to meet with counsel to make sure that the procedure for his evaluation is in alignment with Mr. Brown's contract. She will then bring this information back to the Board for input.

Information/Discussion Items

16 KAR 1:030. Procedures for Certificate Revocation, Suspension, Reinstatement and Reissuance, and Application Denial, Amendment, Notice of Intent

Mr. Allen Kennedy said that flagging was an issue currently in litigation. He said that if the Board discussed anything about flagging he was going to remove himself from the discussion or anything else in the realm of litigation.

Ms. Sneed addressed the Fox 19 news report. She said the EPSB received an open records request from Wave 3 of Louisville. The EPSB was bound to release any information not exempted and EPSB staff only gave information on closed cases. What Ms. Sneed said she believed occurred was that Wave 3 shared the data with another news station and that news station without talking to the EPSB released the data.

Ms. Marie McMillen asked that the cases from the 1990s be taken to a hearing. Ms. Sneed explained this may mean the respondents don't get their certificate taken and Ms. McMillen said to still take it to a hearing.

Timelines were the first topic discussed. Ms. Sneed said that more staff would be needed if timelines were placed in regulation. Chair Webb said that before we determine more staff was needed, timelines must be established first. Ms. Cindy Parker read a letter from the Commissioner who said he was concerned with the impact the process had on teacher and administrator morale and teacher recruitment. He asked that the pending lawsuit not delay regulation changes and said the EPSB needs an external reviewer from outside Kentucky to look at the process. A document with feedback from KEA, CPE, and KDE was used as a point of reference for the timeline. It was determined that at the next meeting a draft regulation with the following timeline information be included:

- 1) Attorney investigates initial complaint and any other matters that come to light during investigation for a period of 90 days after the Board votes to hear the case with a mechanism for an extension where the circumstances require additional time.
- 2) The initial written offer of settlement must be made within (90) days of the date the EPSB voted to hear the matter with a mechanism for an extension where the circumstances require additional time such as when a criminal investigation is in pending.
- 3) Within 20 (twenty) days after a written request for hearing is received by the assigned attorney, administrative hearing charges pursuant to KRS 13B.050 shall be drafted and served on the respondent, with a copy simultaneously provided to the Administrative Hearing Division of the Attorney General with a mechanism for an extension where the circumstances require additional time such as a current criminal investigation.

President Bob King said that comments made in Open Speak made some telling recommendations to the Board. He said he was perplexed by the number and type of cases that come to the Board. He expressed his opinion concerning the time to hearing as unacceptable and that the accusation does not include specificity to charges as incomprehensible. President King agreed with the Commissioner's recommendation for the Board to have an external reviewer outside of Kentucky who is familiar with what goes on in other states to review the Board's disciplinary process.

Ms. Alicia Sneed stated that the types of cases brought to the Board are those determined by the general assembly or the Code of Ethics. She said the Board may want to determine specifically what they want to see, but at this point staff do not have guidelines. Ms. Sneed said she monitors what the Board dismisses so she won't bring back similar cases.

Ms. Sneed said the definition of dismissal is very broad so the Board can revisit any case. At one point the Board had the option to dismiss with or dismiss without prejudice, but in 2007 the Board asked to have only one option to dismiss and that was dismiss without prejudice.

It was determined from the remarks of Ben Basil, who spoke briefly during Open Speak and was questioned during the agenda discussion relating to discipline during the Board meeting, that teachers with complaints do not receive the section of the law they are accused of violating with the initial complaint. The Board asked legal staff to send to teachers with complaints the section of the law they are accused of violating when they send the initial complaint.

Mr. Mike Ross stated that it has bothered him recently that attorneys who represent teachers with cases on the other side of the issue are not involved in this process of amending the disciplinary process. He said the document brought to the Board at the last meeting was insufficient from what was asked to be brought in April.

Ms. Shannon Treece said she believes we need a filtering component on the types of cases the Board sees to shorten the process. She said there is no clarity for administrators on what to report to the EPSB.

President King said if the current statutory structure is not working sufficiently then the Board can make a recommendation to the legislature to change it. He also said that the Board needs to better define the meaning of different outcomes of cases and find a way that, if made public, it is clear that those accused teachers who have had final decisions that have been made favorable to the teacher instead of the accuser, that those decisions are made clearer.

Ms. Brandy Beardsley said it is important that a complaint continue to be allowed to be made by anyone.

The Board asked Alicia to bring back in February an information/discussion item. This item should include the following information in the draft regulation:

- 1) Attorney investigates initial complaint and any other matters that come to light during investigation for a period of 90 days after the Board votes to hear the case with a mechanism for an extension where the circumstances require additional time.
- 2) The initial written offer of settlement must be made within (90) days of the date the EPSB voted to hear the matter with a mechanism for an extension where the circumstances require additional time such as when a criminal investigation is in pending.
- 3) Within 20 (twenty) days after a written request for hearing is received by the assigned attorney, administrative hearing charges pursuant to KRS 13B.050 shall be drafted and served on the respondent, with a copy simultaneously provided to the Administrative Hearing Division of the Attorney General with a mechanism for an extension where the circumstances require additional time such as a current criminal investigation.
- 4) Add a filtering component to include a subcommittee to review all received complaints

In addition to these changes to the proposed regulation, the Board wanted to include in the recommendations the need for an external reviewer on the disciplinary process, a subsection on the complaint to include the section of the law that an individual is accused of violating, ensure the code of ethics is up for review with strategic plan and that the Board review the date and see to determine when it should be brought before the Board.

Determining Probable Cause to Take Disciplinary Action Procedure, Amendment, Notice of Intent

Since this information/discussion item partially pertains to the flagging issue, Ms. Sneed will bring this item back to the Board in February with other information that is not part of the lawsuit.

New Policy: Policy and Procedure Development and Regulatory Promulgation Procedure, Notice of Intent

This item was not discussed. It will be brought back in February for discussion.

Action Items

2015 Legislative Agenda

Ms. Marie McMillen asked that the Board begin to look at what changes may need to be made to the disciplinary statutes so that they could be placed on the agenda. After discussion it was determined that since the legislative session is short and coming up in less than one month the Board can continue to look at the statutes that need to be changed and revisit for the next legislative session.

2015-066

Motion made by Ms. Brandy Beardsley, seconded by Dr. Mary John O'Hair, to approve the 2015 Legislative Agenda to support legislation which furthers the EPSB mission and goals and oppose any attempts to dilute or modify the current authority of the EPSB.

Vote: *Unanimous*

16 KAR 6:010. Written Examination Prerequisites for Teacher Certification, Amendment, Final Action

Dr. David Whaley had some questions for staff regarding testing. Ms. Donna Brockman said that the EPSB has a liaison with the Educational Testing Service (ETS) that could come to KACTE, Murray State University, and/or the EPSB to explain and answer any questions on the testing process. Dr. Whaley said that would be helpful.

2014-067

Motion made by Ms. McMillen, seconded by Ms. Laura Schneider, to approve the amendments to 16 KAR 6:010.

Vote: *Unanimous*

Waiver

16 KAR 8:030. Request to Waive Continuing Education Option Requirements, Ms. Brandy Dermitt

2014-068

Motion made by Mr. Ross, seconded by Ms. Ellen Blevins, to accept the waiver request for Ms. Brandy Dermitt to allow an extension of time for CEO work.

Vote: *Unanimous*

Alternative Route to Certification Application

Steven Rahe, Theatre, All Grades

2014-069

Motion made by Mr. Ross, seconded by Ms. Ellen Blevins, to approve the alternative route to certification application for Mr. Steven Rahe.

Vote: *Unanimous*

Board Comments

The Board had no comments.

DISCIPLINARY MATTERS: MINUTES OF CASE REVIEW December 8, 2014

Motion made by Ms. Marie McMillen, seconded by Ms. Sandra Sinclair-Curry, to go into closed session for the purpose of discussing proposed or pending litigation in accordance with KRS 61.810(1) (c) & (j).

Vote: *Unanimous*

Motion made by Ms. Tolya Ellis, seconded by Ms. Laura Schneider, to return to open session.

Vote: *Unanimous*

The following board members concurred with the actions as listed below with the noted exceptions:

Cassandra Webb, Michael Ross, Ellen Blevins, David Whaley, Laura Schneider, Tolya Ellis, Barbara Boyd, April Wood, Sandra Sinclair-Curry, Mary John O'Hair, and Shannon Treece.

Attorneys present were Alicia A. Sneed, Cassandra Trueblood, Whitney Crowe, Gary Stephens, Chelsea Fannin, Eric Ray, Cynthia Grohmann, and Ryan Halloran.

Initial Case Review

Case Number

Decision

1407411	Admonish (<i>Ms. Sinclair-Curry and Ms. Blevins dissented</i>)
1408500	Defer for training
1407415	Defer for training
1407440	Hear
1408520	Defer for training
1408514	Hear
1408530	Hear
1409653	Dismissed
1408528	Dismissed
1408494	Defer for training
1410707	Dismissed
1408634	Hear
1408508	Hear
1408583	Dismissed (<i>Ms. Treece recused</i>)
1408556	Dismissed
1409667	Dismissed
1408572	Admonish (<i>Ms. Schneider recused</i>)
1408579	Dismissed
1408566	Admonish (<i>Ms. Schneider dissented</i>)
1408577	Hear
1410717	Defer for training (<i>Ms. Schneider, Ms. Treece, and Ms. McMillen dissented</i>)
1410715	Defer for training (<i>Ms. Schneider, Ms. Treece, and Ms. McMillen dissented</i>)
1408625	Hear
1408589	Hear
1409680	Dismissed
1408632	Hear
1408595	Hear
1409671	Hear
1409676	Admonish
1409689	Hear
1409682	Defer for training
1408581	Hear
1408568	Admonish
1409669	Admonish
1409691	Admonish
1409649	Hear
1408629	Hear
1408623	Hear
1409665	Hear
1409647	Hear
1408593	Hear
1408585	Defer
1408640	Dismissed
1408506	Admonish

1408502	Hear
1408558	Hear
1408587	Hear
1408526	Hear
1408591	Dismissed
1409651	Dismissed
1409687	Hear
1408498	Dismissed
1408524	Admonish
1408533	Admonish
1408518	Admonish
1408636	Dismissed (<i>Ms. Blevins dissented</i>)
1405289	Dismissed
1309675	Dismissed
1303205	Dismissed
1310718	Dismissed
1405253	Dismissed
1406362	Dismissed
1403187	Hear
0912700	Dismissed
1006387	Dismissed
1407427	Dismissed

Character/Fitness Review

<u>Case Number</u>	<u>Decision</u>
141097	Approve
141113	Deny
141111	Approve
141112	Approve
141114	Approve
141118	Approve
141124	Approve
141125	Approve (<i>Ms. Schneider dissented</i>)
141129	Deny
141135	Approve
141144	Approve
141148	Approve
141149	Approve
141152	Approve
141155	Deny
141172	Approve
141175	Approve (<i>Ms. Blevins dissented</i>)
141179	Approve
141180	Approve

14885	Approve
141101	Approve
141115	Approve
141128	Approve
141106	Approve
141137	Approve
14100	Deny
12125	Deny
14888	Approve (<i>Ms. Boyd dissented</i>)
141173	Approve
141177	Approve
141186	Approve

Agreed Orders

Case Number

Decision

1104264 (Frances Cohn) Accept Agreed Order which states that Respondent's certificate has expired and she has no plans to return to the classroom. Should Respondent decide to return to the profession in the future, she must provide proof that she has completed all conditions from Case No. 0905287. Should Respondent fail to provide proof of the conditions, her certificate shall remain suspended until she provides proof of the conditions.

Vote: *Unanimous*

1309679 (Andrea Coleman) Accept Agreed Order which states that the Education Professional Standards Board does not permit educators to unnecessarily subject students to unjustified embarrassment and disparagement. Respondent agrees with the Board that an educator has a duty to treat all students with dignity and respect. Respondent shall comply with these standards of conduct.

Vote: *Unanimous*

1305367 (Carolyn Lewis) Accept Agreed Order which states that on or before January 1, 2015, Respondent shall provide written proof to the Board that she has successfully completed three (3) hours of Administration Code training, as approved by the Board. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to satisfy this condition, Respondent's certificate, and any future endorsements or new areas of certification, shall be automatically suspended until Respondent completes the

required training and provides the appropriate written proof to the Board.

On or before July 1, 2015, Respondent shall submit written proof to the Board that she has successfully completed a course, as approved by the Board, on the Professional Code of Ethics for Kentucky Certified School Personnel. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to satisfy this condition, Respondent's certificate, and any future endorsements or new areas of certification, shall be automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board.

This agreement is expressly conditioned upon Respondent agreeing to testify truthfully in any hearing involving her co-Respondents at the Board's request. Should Respondent refuse to do so at any point in the future, the Board may void this Order, reopen this case, and seek additional sanctions against Respondent's certificate.

Vote: *Unanimous*

1311836 (Donny Blankenship)Accept Agreed Order admonishing Respondent for exhibiting a lack of professional judgment in his interactions with students. A teacher in the Commonwealth of Kentucky has a duty to protect the health, safety, and welfare of students as well as a duty to refrain from subjecting students to embarrassment and disparagement. As a certified educator, Respondent must strive to uphold the responsibilities of the teaching profession by maintaining a positive learning environment for students and by treating each student with dignity and respect. The Board will not tolerate any further incidents of misconduct from Respondent.

Upon acceptance of this agreement by the Board, Respondent's certificate shall be on probation for a period of eighteen (18) months and subject to the following probationary conditions:

1. Respondent has provided written proof to the Board that he has successfully completed eight (8) hours of anger management training.
2. By July 1, 2015, Respondent shall provide written proof to the Board that he has successfully completed twelve (12) hours of professional development or training, as approved by the Board, on the Professional Code of Ethics for Kentucky Certified School Personnel. Any expense incurred for said training shall be paid by Respondent. If

Respondent fails to satisfy this condition, Respondent's certificate, and any future endorsements or new areas of certification, shall be automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board.

3. For the entirety of the probationary period, Respondent shall receive no disciplinary action involving conduct unbecoming. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either the tribunal and/or arbitration process. If Respondent fails to satisfy this condition, Respondent's certificate, and any future endorsements or new areas of certification, shall be automatically suspended for a period of thirty (30) days.

Respondent is aware that should he violate KRS 161.120, either during or following this eighteen (18) month period of probationary conditions, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1305365 (Kevin King)

Accept Agreed Order suspending Respondent's certificate for a period of fifteen (15) days from the date upon which the Board approves this agreement. Respondent shall neither apply for nor be issued a teaching certificate in the Commonwealth of Kentucky during the suspension period. Upon acceptance of this agreement by the Board, Respondent shall immediately surrender the original and all copies of his certificate to the EPSB by delivering or mailing to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Respondent is hereby admonished for failing to follow the administrative procedures related to student testing. Strict compliance with the *Administration Code for Kentucky's Educational Assessment Program* ensures the well-being of the students and the integrity of the testing process are maintained. The Board will not tolerate any further violations of testing procedures by Respondent.

On or before January 1, 2015, Respondent shall provide written proof to the Board that he has successfully completed three (3) hours of Administration Code training, as approved by the Board. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to satisfy this condition, Respondent's certificate, and any future endorsements or new areas of certification, shall be

automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board.

On or before July 1, 2015, Respondent shall submit written proof to the Board that he has successfully completed twelve (12) hours of professional development or training, as approved by the Board, on the Professional Code of Ethics for Kentucky Certified School Personnel. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to satisfy this condition, Respondent's certificate, and any future endorsements or new areas of certification, shall be automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board.

This agreement is expressly conditioned upon Respondent agreeing to testify truthfully in any hearing involving her co-Respondents at the Board's request. Should Respondent refuse to do so at any point in the future, the Board may void this Order, reopen this case, and seek additional sanctions against Respondent's certificate.

Vote: *Unanimous (Dr. Whaley recused)*

CF14749 (Danesia Hodges) Accept Agreed Order which states that upon acceptance of this agreement by the Board, Respondent shall be issued a Kentucky teaching certificate upon providing proof that she has met the academic and testing requirements necessary for issuance of a certificate, and has completed the following:

Respondent shall submit written proof to the Board that she has completed a course on professional ethics training, as approved by the Board. Any expense required for said training shall be paid by Respondent.

Any and all certificates issued to Respondent shall be subject to the following conditions:

1. Respondent shall not be convicted of nor enter a guilty or no contest plea to any criminal charge(s) other than minor traffic violations. If Respondent is convicted of, or enters a guilty or no contest plea, to any criminal charge other than a minor traffic violation, she shall submit this information to the Board, in writing, within thirty (30) days. Failure to comply with this condition will result in Respondent's certificate being automatically suspended pending Board review and disposition.

2. Respondent shall submit a copy of her current criminal record, as prepared by the Administrative Office of the

Courts, with any application for renewal of her certification(s) and/or for additional certification(s). Any expense required to satisfy this condition shall be paid by Respondent. Failure to comply with this condition will result in the denial of all applications for renewal and/or additional certification(s) submitted by Respondent or on her behalf.

Vote: *Unanimous*

140111 (Stanley Waller)

Accept Agreed Order in which Respondent voluntarily surrenders his teaching and administrative certificates. Respondent shall neither apply for, nor be issued, a teaching and/or administrative certificate in the Commonwealth of Kentucky at any time in the future. Respondent shall surrender the original certificate and all copies of his certificate to the EPSB, by delivering or mailing them to 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

Vote: *Unanimous*

140128 (Howard Fabing)

Accept Agreed Order which states that Respondent shall not seek or accept any position of employment in Kentucky that requires teaching certification. Additionally, upon expiration of Respondent's certificate on June 30, 2017, Respondent shall neither apply for, nor be issued, a teaching and/or administrative certificate in the Commonwealth of Kentucky at any time in the future. Should Respondent violate this agreement, Respondent's certificate shall be automatically suspended for its remainder and/or any application for certification shall be denied.

Vote: *Unanimous*

1309695 (Derek Wiggins)

Accept Agreed Order suspending Respondent's Administrative certificate for a period of thirty (30) days. Respondent shall immediately surrender the original and all copies of his certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, KY 40601. This settlement agreement is expressly conditioned upon the following:

1. On or before December 1, 2015, Respondent shall provide written proof to the Board that he has successfully

completed twelve (12) hours of educator ethics professional development or training, which shall include a component on professionalism. Any expense for said training shall be paid by Respondent. Should Respondent fail to satisfy this condition by December 1, 2015, Respondent's certificate shall be automatically suspended until such condition is satisfied.

2. On or before December 1, 2015, Respondent shall submit written proof to the Board that he has completed a course, as approved by the Board, on sexual harassment awareness. Any expense incurred for said training shall be paid by Respondent. Should Respondent fail to satisfy this condition by December 1, 2015, Respondent's certificate shall be automatically suspended until such condition is satisfied.

Respondent is aware that should he violate KRS 161.120 in the future; the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1306463 (Christopher Ballard) Accept Agreed Order admonishing Respondent for making inappropriate and harassing remarks to students and for subjecting students to embarrassment. Sexual jokes and innuendo constitute sexually related behavior, and the Professional Code of Ethics for Kentucky Certified School Personnel explicitly prohibits teachers from directing such remarks towards students. The Board will not tolerate any further incidents of ethical misconduct by Respondent. Respondent's certificate, including any and all endorsements, is hereby subject to the following probationary conditions for a period of five (5) years from the date the Board accepts this Agreed Order:

1. On or before March 1, 2015, Respondent shall submit written proof to the Board that he has successfully completed a course, as approved by the Board, on appropriate workplace interactions. Any expense incurred for said training shall be paid by Respondent.

2. On or before March 1, 2015, Respondent shall submit written proof to the Board that he has successfully completed twelve (12) hours of professional development or training, as approved by the Board, on the Professional Code of Ethics for Kentucky Certified School Personnel. Any expense required for said training shall be paid by the Respondent.

3. For the entirety of the probationary period, Respondent

shall receive no disciplinary action involving conduct unbecoming. "Disciplinary action" is defined as any public reprimand, suspension, or termination issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process. By entering into this Agreed Order, Respondent agrees that should he fail to satisfy any of these conditions during the probationary period, Respondent's certificate shall be automatically suspended for a period of thirty (30) days. If applicable, at the conclusion of the thirty (30) day suspension, Respondent's certificate shall remain suspended until such time as the probationary conditions are met.

Respondent is aware that should he violate KRS 161.120, either during or following this five (5) year period of probationary conditions, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1311788 (Daniel McDonald) Accept Agreed Order admonishing Respondent for violating the Professional Code of Ethics by failing to properly manage school funds. The Board reminds Respondent that he has a statutory duty to competently perform his duties and to follow all state statutes and regulations relating to schools. The Board will not tolerate incompetence or negligence on the part of certified teachers in the Commonwealth of Kentucky.

Respondent's certificate, and any future endorsements or new areas of certification, shall be subject to the following probationary conditions for a period of three (3) years from the date the Board accepts this Agreed Order:

1. On or before July 1, 2015, Respondent shall provide written proof to the Board that he has completed a course, as approved by the Board, on the Accounting Procedures for Kentucky School Activity Funds, which is more commonly referred to as "Red Book Training." Any expense incurred for said training shall be paid by Respondent. If Respondent fails to comply with the requirements of this paragraph on or before July 1, 2015, Respondent's certificate and any future endorsements or new areas of certification shall be automatically suspended until Respondent submits the required written proof to the Board.

2. On or before January 1, 2016, Respondent shall provide written proof to the Board that he has completed twelve

(12) hours of professional development and/or training, as approved by the Board, in teacher ethics. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to comply with the requirements of this paragraph on or before January 1, 2016, Respondent's certificate and any future endorsements or new areas of certification shall be automatically suspended until Respondent submits the required written proof to the Board.

3. For the entirety of the probationary period, Respondent shall receive no disciplinary action involving fiscal mismanagement. "Disciplinary action" is defined as any public reprimand, suspension, or termination issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process. If Respondent fails to comply with the requirements of this paragraph, Respondent's certificate and any future endorsements or new areas of certification shall be automatically suspended for a period of six (6) months.

Respondent is aware that should he violate KRS 161.120, either during or following this three (3) year period of probationary conditions, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

CF14890 (Cyle Swartz)

Accept Agreed Order which states that Respondent shall be issued a Kentucky teaching certificate upon providing proof that she has met the academic and testing requirements necessary for issuance of a certificate and upon providing proof that she has complied with the following condition:

Prior to being issued any teaching and/or administrative certification in the Commonwealth of Kentucky, Respondent shall provide written proof to the Board that she has completed a course, as approved by the Board, on the Professional Code of Ethics for Kentucky Certified School Personnel. Any expense required for said training shall be paid by Respondent.

In order to maintain or obtain any certificate in the future, Respondent shall comply with the following:

1. Respondent shall not be convicted of nor enter a guilty or no contest plea to any further criminal charge(s) other than minor traffic violations. Failure to comply with this

condition will result in Respondent's certificate being automatically suspended for further action by the Board.

2. Respondent shall submit a current criminal background check, as prepared by the Administrative Office of the Courts, to the Board with any application for renewal of her certification(s) and/or for additional certification(s). Any expense for the criminal background check shall be paid by Respondent. Failure to comply with this condition will result in the denial of all applications for renewal and/or additional certification(s) submitted by Respondent or on her behalf.

Respondent is aware that should she violate KRS 161.120, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

CF141031 (Adrian Bates)

Accept Agreed Order Respondent shall be issued a Kentucky teaching certificate upon providing proof that she has met the academic and testing requirements necessary for issuance of a certificate and upon providing proof that she has complied with the following condition:

Prior to being issued any teaching and/or administrative certification in the Commonwealth of Kentucky, Respondent shall undergo a comprehensive substance abuse assessment by a Kentucky licensed and/or certified chemical dependency counselor, as approved by the Board, and shall provide written evidence to the Board that she has complied with the assessment process and has successfully completed any and all treatment recommendations. Any expense for the assessment, treatment, and/or written reports shall be paid by Respondent.

In order to maintain or obtain an Emergency Substitute Teaching Certificate in the future, Respondent shall comply with the following:

1. Respondent shall maintain a current address on file with the Education Professional Standards Board. Failure to comply with this condition will result in Respondent's certificate being automatically suspended for further action by the Board.

2. Respondent shall remain actively enrolled in a teacher education program and shall continue advancing towards completing a degree in education. Failure to complete a degree in education by January 1, 2017 will result in the denial of all applications for Emergency Substitute

Teaching Certificate submitted by Respondent or on her behalf after that date.

3. Respondent shall not be convicted of nor enter a guilty or no contest plea to any criminal charge(s) other than minor traffic violations. Failure to comply with this condition will result in Respondent's certificate being automatically suspended for further action by the Board.

4. Respondent shall submit a current criminal background check, as prepared by the Administrative Office of the Courts, to the Board with any application for Emergency Substitute Teaching Certificate. Any expense for the criminal background check shall be paid by Respondent. Failure to comply with this condition will result in the denial of all applications for Emergency Substitute Teaching Certificate submitted by Respondent or on her behalf.

Vote: *Unanimous*

1111858 (Carol Prater)

Accept Agreed Order admonishing Respondent for neglecting her duty as an educator. Students should receive course credit only when they have ethically met all course requirements. School districts should receive credit only for those students actually in attendance. Poor record keeping and failures in oversight are detrimental to student and district welfare regardless of whether such failures are intentional or inadvertent.

This agreement is conditioned on the following.

1. Respondent agrees that she will not accept any position requiring administrative certification for the life of her certificate.

2. Respondent agrees that prior to returning to any position requiring teaching certification, she will submit written proof to the Board that she has completed twelve (12) hours of professional development/training, approved by the Board and at her own expense, in ethics.

If Respondent violates either of these conditions, her certificate shall be automatically suspended for a period of two (2) years and the Board may seek additional sanctions pursuant to KRS 161.120.

Vote: *Unanimous*

07-09169 (Wayne Wigginton) Accept Agreed Order suspending Respondent's certificate

for a period of two (2) years beginning July 1, 2012.

Respondent shall surrender the original and all copies of

this certificate immediately, by first class mail or personal delivery to the Education Professional Standards Board, 100 Airport, Road, Third Floor, Frankfort, Kentucky 40601.

Upon reinstatement, Respondent's certificate, including any future endorsements or new areas of certification, shall be subject to the following probationary conditions.

1. On or before March 1, 2015, Respondent shall submit written proof to the Board that he has completed twelve (12) hours of professional development/training, approved by the Board and at his own expense, in the areas of sexual harassment and ethics.

2. On or before March 1, 2015, Respondent shall submit written proof to the Board that he has completed six (6) hours of professional development/training, approved by the Board and at his own expense, in effective classroom management strategies.

3. For the life of Respondent's certificate, including any future endorsements, new areas of certification, and/or renewals, Respondent shall not be disciplined by any school district for conduct in violation of KRS 161.120 and/or 16 KAR 1:020. Discipline shall be defined as a reprimand, admonishment, suspension, or termination upheld by either the tribunal or arbitration process, if requested.

Should Respondent fail to comply with any of these probationary conditions, the Board shall automatically suspend Respondent's certificate for a period of two (2) years and may seek additional sanctions pursuant to KRS 161.120.

Vote: *Unanimous*

1308597 (Kristina Mudd)

Accept Agreed Order suspending Respondent's certificate for a period of forty five (45) days beginning June 16, 2014. Respondent shall surrender the original and all copies of this certificate immediately, by first class mail or personal delivery to the Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601.

From the date of acceptance of this Order by the Board, Respondent's certificate shall be subject to the following probationary conditions.

1. Respondent shall submit to random drug testing.

Testing shall be administered by a provider approved by the Board and performed for the remainder of the

2014/2015 school year. Any expense for each drug test shall be paid by Respondent. If any drug test is positive for any illegal substances or byproducts of illegal substances, Respondents' certificate shall be automatically suspended for a period of two (2) years and subject to additional sanction by the Board pursuant to KRS 161.120.

2. On or before February 1, 2015, Respondent shall submit written proof to the Board that she has completed twelve (12) hours of ethics training, approved by the Board and at her own expense. Should Respondent fail to satisfy this condition, her certificate shall be automatically suspended and remain so until this condition is met.

3. For the life of her certificate, Respondent shall not be convicted of nor enter a guilty or no contest plea to any criminal charge(s), misdemeanor or felony, related to and/or involving the use of alcohol or controlled substances. Should Respondent violate this condition, her certificate shall be automatically suspended for a period of two (2) years and subject to additional sanction by the Board pursuant to KRS 161.120.

Vote: *Unanimous*

1211637 (Jessica Jackson) Accept Agreed Order which states that by May 1, 2015, Respondent shall provide written proof to the Board that she has completed twelve (12) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel, with an emphasis on acceptable use of technology, as approved by the Board. Any expenses required for said training shall be paid by Respondent. If Respondent fails to satisfy this condition, her certificate shall be automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board.

Vote: *Unanimous*

CF141040 (Deilia Butler) Accept Agreed Order which states that upon acceptance of this agreement by the Board, Respondent shall be issued a Kentucky teaching certificate upon providing proof that she has met the academic and testing requirements necessary for issuance of a certificate, and has completed the following:

1. Respondent shall undergo a comprehensive alcohol/substance abuse assessment by a Kentucky licensed and/or certified chemical dependency counselor, as

approved by the Board, and shall present written evidence to the Board that she has complied with the assessment process. Any expense for the assessment and written reports shall be paid by Respondent.

2. Respondent shall submit written proof to the Board that she has completed a course on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense required for said training shall be paid by Respondent.

Any and all certificates issued to Respondent shall be subject to the following conditions:

1. If Respondent's chemical dependency counselor makes any treatment recommendations, Respondent shall comply with the treatment recommendations. Respondent shall submit quarterly written progress reports from her counselor to the Board until such time as the counselor releases her from treatment. Any expense for the treatment and/or written reports shall be paid by Respondent. Failure to comply with this condition will result in Respondent's certificate being automatically suspended until Respondent is in compliance.

2. Respondent shall not be convicted of nor enter a guilty or no contest plea to any criminal charge(s) involving the use and/or possession of any controlled substance or alcohol. If Respondent is convicted of, or enters a guilty or no contest plea, to any criminal charge involving the use and/or possession of any controlled substance or alcohol, she shall submit this information to the Board, in writing, within thirty (30) days. Failure to comply with this condition will result in Respondent's certificate being automatically suspended pending Board review and disposition.

3. Respondent shall submit a copy of her current criminal record, as prepared by the Administrative Office of the Courts, with any application for renewal of her certification(s) and/or for additional certification(s). Any expense required to satisfy this condition shall be paid by Respondent. Failure to comply with this condition will result in the denial of all applications for renewal and/or additional certification(s) submitted by Respondent or on her behalf.

Vote: 10-1 (*Ms. McMillen dissented*)

1304285 (Frederick Cox)

Accept Agreed Order admonishing Respondent for conduct unbecoming a teacher. The Board reminds Respondent of his duty to refrain from subjecting students to

embarrassment or disparagement and of his duty to exemplify behaviors which maintain the dignity and integrity of the profession. The Board will not tolerate any further incidents of misconduct from Respondent.

Upon acceptance of this agreement by the Board, Respondent's certificate shall be subject to the following probationary conditions for a period of three (3) years:

1. On or before January 1, 2016, Respondent shall submit written proof to the Board that he has successfully completed twelve (12) hours of professional development or training in the area of educator ethics, with an emphasis on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense required for said training shall be paid by Respondent. If Respondent fails to satisfy this condition by January 1, 2016, Respondent's certificate shall be automatically suspended until such condition is satisfied.

2. Respondent shall not receive any disciplinary action involving conduct unbecoming a teacher from any school district in which he is employed. If Respondent fails to satisfy this condition, Respondent's certificate shall be automatically suspended for a period of thirty (30) days and subject to additional sanctions by the Board pursuant to KRS 161.120.

"Disciplinary action" is defined as any termination, suspension, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process, including any appeal therefrom. If the tribunal amends the disciplinary action or if Respondent agrees to amend the disciplinary action through arbitration, the new disciplinary action if a termination, suspension, or public reprimand shall be considered a violation of this condition. Respondent is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous (Ms. Wood recused)*

1304296 (Jessica Bryant)

Accept Agreed Order suspending Respondent's certificate for a period of ten (10) days. Respondent shall immediately surrender the original and all copies of her certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601.

At the conclusion of the ten (10) day suspension period,

reinstatement of Respondent's certificate shall be subject to the following condition:

1. Respondent shall provide written proof to the Board that she has been evaluated by a Kentucky licensed or certified physician and is fit to return to the classroom, presents as capable of fulfilling her duties as an educator, is not a danger to herself or others, and is compliant with all treatment recommendations. Any expense incurred for said evaluation, treatment and/or reports shall be paid by Respondent.

Upon reinstatement, Respondent's certificate, including any and all endorsements, shall be subject to the following probationary conditions for a period of three (3) years:

1. On or before December 1, 2015, Respondent shall provide written proof to the Board that she has successfully completed twelve (12) hours of educator ethics professional development or training, with an emphasis on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to complete this condition by December 1, 2015, Respondent's certificate shall be automatically suspended until such condition is satisfied.

2. Respondent shall not receive any disciplinary action involving neglect of duty from any school district in which she is employed. If Respondent fails to satisfy this condition, Respondent's certificate shall be automatically suspended for a period of thirty (30) days and subject to additional sanctions by the Board pursuant to KRS 161.120.

"Disciplinary action" is defined as any termination, suspension, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process, including any appeal therefrom. If the tribunal amends the disciplinary action or if Respondent agrees to amend the disciplinary action through arbitration, the new disciplinary action if a termination, suspension, or public reprimand shall be considered a violation of this condition. Respondent is aware that should she violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1309659 (Belinda Martin) Accept Agreed Order admonishing Respondent for fiscal

mismanagement, specifically for failing to follow proper accounting procedures regarding the requisition and purchase of goods or services, and the handling of cash. The Board reminds Respondent that she has a statutory duty to competently perform her duties and to follow all state statutes and regulations relating to schools.

Furthermore, as an administrator Respondent is responsible for ensuring that her staff follows all state statutes and regulations relating to schools. The Board will not tolerate any further incidents of misconduct from Respondent.

Upon acceptance of this agreement by the Board, Respondent shall be subject to the following probationary conditions for a period of three (3) years:

1. On or before January 1, 2016, Respondent shall provide written proof to the Board that she has successfully completed twelve (12) hours of educator ethics professional development or training, with a focus on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense incurred for said training shall be paid by Respondent. Should Respondent fail to satisfy this condition by January 1, 2016, her certificate shall be automatically suspended until such condition is satisfied.

2. On or before January 1, 2016, Respondent shall provide written proof to the Board that she has successfully completed twelve (12) hours of professional development or training on the "Accounting Procedures for Kentucky School Activity Funds," commonly known as Redbook, as approved by the Board. Any expense incurred for said training shall be paid by Respondent. Should Respondent fail to satisfy this condition by January 1, 2016, her certificate shall be automatically suspended until such condition is satisfied.

3. Respondent shall not receive any disciplinary action involving school finance from any school district in which she is employed. Should Respondent fail to satisfy this condition, her certificate shall be automatically suspended for a period of thirty (30) days and subject to additional sanctions by the Board pursuant to KRS 161.120.

"Disciplinary action" is defined as any termination, suspension, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process, including any appeal therefrom. If the tribunal amends the disciplinary action or if Respondent agrees to amend the disciplinary action through arbitration, the new

disciplinary action if a termination, suspension, or public reprimand shall be considered a violation of this condition. Respondent is aware that should she violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1312870 (John Guthrie)

Accept Agreed Order admonishing Respondent for exhibiting a lack of professional judgment in his interactions with students. The Board reminds Respondent that as a certified teacher, it is his responsibility to set and maintain appropriate boundaries with his students, and to always be mindful of their reaction to his teaching methods in order to promote a positive learning environment for all. The Board will not tolerate any further incidents of misconduct from Respondent.

Upon acceptance of this agreement by the Board, Respondent's certificate and any future endorsements or new areas of certification, shall be subject to the following probationary conditions for a period of three (3) years:

1. On or before January 1, 2016, Respondent shall provide written proof to the Board that he has successfully completed twelve (12) hours of educator ethics professional development or training, which shall include a component on appropriate teacher/student boundaries, as approved by the Board. Any expense incurred for said training shall be paid by Respondent. Should Respondent fail to satisfy this condition by January 1, 2016, Respondent's certificate shall be automatically suspended until such condition is satisfied.
2. On or before January 1, 2016, Respondent shall provide written proof to the Board that he has successfully completed a course, as approved by the Board, on sexual harassment awareness. Any expense incurred for said training shall be paid by Respondent. Should Respondent fail to satisfy this condition by January 1, 2016, Respondent's certificate shall be automatically suspended until such condition is satisfied.
3. Respondent shall not receive any disciplinary action involving inappropriate teacher/student boundaries from any school district in which he is employed. Should Respondent fail to satisfy this condition, Respondent's certificate shall be automatically suspended for a period of thirty (30) days and subject to additional sanctions by the Board pursuant to KRS 161.120.

“Disciplinary action” is defined as any termination, suspension, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process including any appeal therefrom. If the tribunal amends the disciplinary action or if Respondent agrees to amend the disciplinary action through arbitration, the new disciplinary action if a termination, suspension or public reprimand shall be considered a violation of this condition. Respondent is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1206318 (Adam Cross)

Accept Agreed Order admonishing Respondent for failing to uphold the dignity and integrity of the teaching profession. The Board reminds Respondent that the principal of a school must create and foster an environment in which staff can work together effectively. He must strive to uphold the responsibilities of his profession by maintaining a positive environment for all. The Board expects Respondent to uphold the Professional Code of Ethics and will tolerate no further incidents of misconduct by Respondent.

Upon acceptance of this agreement by the Board, Respondent’s certificate shall be on probation for a period of five (5) years and subject to the following probationary conditions:

1. By April 1, 2015, Respondent shall submit written proof to the Board that he has completed twelve (12) hours of training on the Professional Code of Ethics for Kentucky Certified School Personnel, with an emphasis on professionalism, as approved by the Board. Any expense required for said training shall be paid by Respondent. If Respondent fails to satisfy this condition, Respondent’s certificate shall be automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board.
2. By April 1 of each year of the probationary period, Respondent shall submit written proof to the Board that he has successfully completed a course on sexual harassment awareness training, as approved by the Board. Any expense required for said training shall be paid by Respondent. If Respondent fails to satisfy this condition, Respondent’s certificate shall be automatically suspended

until Respondent completes the required training and provides the appropriate written proof to the Board.

3. During the probationary period, Respondent shall not receive any disciplinary action from any school district in which he is employed. "Disciplinary action" is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either the tribunal and/or arbitration process. If Respondent fails to satisfy this condition, Respondent's certificate shall be automatically suspended for a period of one (1) year and subject to additional sanctions by the Board pursuant to KRS 161.120. Respondent is aware that should he violate KRS 161.120, either during or following this five (5) year probationary period, the Board shall initiate new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

120147 (Nicole Martin)

Accept Agreed Order which states that Respondent's Kentucky teaching certificate has expired. Should Respondent decide to renew her certificate in the future, she shall comply with the following condition:
At the time of renewal, Respondent shall provide written proof that she has completed twelve (12) hours of Board-approved professional development/training in the area of ethics. Should Respondent violate this condition, her certificate shall be suspended and shall remain so until she has provided proof of the training.

Vote: *Unanimous*

1211741 (Kendra Baker)

Accept Agreed Order admonishing Respondent for failing to provide students with professional education services in a nondiscriminatory manner and in consonance with accepted best practices known to the educator. The Board reminds Respondent that she must instruct students according to the curriculum of the district, and that she may never use her personal views to unfairly influence or coerce students. Furthermore, the Board reminds Respondent of her duty to respect the individual beliefs of her students, their parents, and the community. The Board will not tolerate any future incidents of misconduct from Respondent.

On or before September 1, 2015, Respondent shall submit written proof to the Board that she has completed twelve

(12) hours of professional development or training in the area of educator ethics, with an emphasis on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense required for said training shall be paid by Respondent. If Respondent fails to satisfy this condition, her certificate shall be automatically suspended until Respondent completes the required training and provides the appropriate written proof to the Board. Respondent is aware that should she violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

CF141088 (Jacob Dowdy)

Accept Agreed Order which states that upon acceptance of this agreement by the Board, Respondent shall be issued a Kentucky teaching certificate upon providing proof that he has met the academic and testing requirements necessary for issuance of a certificate, and has completed the following:

1. Respondent shall undergo a comprehensive alcohol/substance abuse assessment by a Kentucky licensed and/or certified chemical dependency counselor, as approved by the Board, and shall present written evidence to the Board that he has complied with the assessment process. Any expense for the assessment and written reports shall be paid by Respondent.

2. Respondent shall submit written proof to the Board that he has completed a course on the Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense required for said training shall be paid by Respondent.

Any and all certificates issued to Respondent shall be subject to the following conditions:

1. If Respondent's chemical dependency counselor makes any treatment recommendations, Respondent shall comply with the treatment recommendations. Respondent shall submit quarterly written progress reports from his counselor to the Board until such time as the counselor releases him from treatment. Any expense for the treatment and/or written reports shall be paid by Respondent. Failure to comply with this condition will result in Respondent's certificate being automatically suspended until Respondent is in compliance.

2. Respondent shall not be convicted of nor enter a guilty or

no contest plea to any criminal charge(s) involving the use and/or possession of any controlled substance or alcohol. If Respondent is convicted of, or enters a guilty or no contest plea, to any criminal charge involving the use and/or possession of any controlled substance or alcohol, he shall submit this information to the Board, in writing, within thirty (30) days. Failure to comply with this condition will result in Respondent's certificate being automatically suspended pending Board review and disposition.

3. Respondent shall submit a copy of his current criminal record, as prepared by the Administrative Office of the Courts, with any application for renewal of his certification(s) and/or for additional certification(s). Any expense required to satisfy this condition shall be paid by Respondent. Failure to comply with this condition will result in the denial of all applications for renewal and/or additional certification(s) submitted by Respondent or on his behalf.

Vote: *Unanimous*

CF14717 (Shelley Stacy)

Reject Agreed Order which states as follows: Upon acceptance of this agreement by the Board, Respondent shall be issued a Kentucky teaching certificate upon providing proof that she has met the academic and testing requirements necessary for issuance of a certificate; however any and all certificates issued to Respondent by the Board shall be subject to the following probationary conditions:

1. Respondent shall have no further criminal convictions. If Respondent is convicted of any crime other than a minor traffic violation, any and all certificates issued to Respondent shall be automatically permanently revoked. A violation is not considered a minor traffic violation if it is a violation for which jail time may be imposed.
2. Respondent shall submit a state criminal background records report to the Board by June 30th for a period of four (4) years from the date of acceptance of this order by the Board. Any expense for the state criminal background records report shall be paid by Respondent. If Respondent fails to submit the required report by the due date, any and all certificates issued to Respondent shall be automatically suspended until this condition has been met.
3. On or before January 1, 2016, Respondent shall submit written proof to the Board that she has completed twelve (12) hours of professional development or training on the

Professional Code of Ethics for Kentucky Certified School Personnel, as approved by the Board. Any expense required for said training shall be paid by the Respondent. Should Respondent fail to complete the required training on or before January 1, 2016, any and all certificates issued to her shall be automatically suspended until such training is completed and the appropriate written proof is provided to the Board.

4. Respondent shall submit a state and federal criminal background records report to the Board with any application for renewal of a certificate and/or for additional certification(s). Any expense for the state and federal criminal background records report shall be paid by Respondent. If Respondent fails to submit the required reports with her application for renewal or additional certification, renewal of her certificate or the additional certification shall be denied.

Respondent is aware that should she violate any provision of KRS 161.120 in the future, the Board shall initiate a disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1403179 (Benny Patrick)

Accept Agreed Order reminding Respondent that as an administrator, he is to ensure that each member of the profession is accorded just and equitable treatment in their professional rights and responsibilities. A school district is not only a place of learning for students, but a place of employment for adults. As an administrator, Respondent must ensure that school district employees are not subjected to harassment at the work place.

Additionally, Respondent shall complete the following conditions:

1. Respondent shall provide written proof that he has received six (6) hours of professional development/training in the area of sexual harassment awareness training, as approved by the Board, no later than July 1, 2015. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to satisfy this condition by July 1, 2015, any and all certificates issued to Respondent will automatically be suspended until such training is completed and the appropriate written proof is provided to the Board.

2. Respondent shall provide written proof that he has received six (6) hours of professional development/training in the area of employment rights, as approved by the Board,

no later than July 1, 2015. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to satisfy this condition by July 1, 2015, any and all certificates issued to Respondent will automatically be suspended until such training is completed and the appropriate written proof is provided to the Board.

3. Respondent shall provide written proof to the Board that he has received six (6) hours of professional development/training in the area of ethics, as approved by the Board, no later than July 1, 2016. Any expense incurred for said training shall be paid by Respondent. If Respondent fails to satisfy this condition by July 1, 2016, any and all certificates issued to Respondent will automatically be suspended until such training is completed and the appropriate written proof is provided to the Board.

4. For a period of five (5) years from the date of acceptance of this order by the Board, Respondent shall provide written proof by September 1 of each year that he serves as a superintendent that he has provided annual training to all school district employees on sexual harassment awareness and any board policies regarding sexual harassment complaint and investigation procedure. If Respondent is not serving as a superintendent, he shall file a letter with the Board by September 1 of each year stating that he is not serving as a superintendent. If Respondent fails to satisfy this condition, any and all certificates issued to Respondent will automatically be suspended until the appropriate written proof is provided to the Board.

5. If Respondent serves as a superintendent, Respondent shall appoint a member of the school district staff to serve as a sexual harassment ombudsman. The sexual harassment ombudsman shall act as an independent auditor of all sexual harassment complaints in the district. The ombudsman shall ensure that all grievances and complaints filed under the school district's sexual harassment complaint and investigation policy are fully investigated in compliance with the policy. The ombudsman shall independently review all investigations under the school district's sexual harassment complaint and investigation policy to confirm there was no bias towards either the complainant or the alleged perpetrator. The ombudsman shall file his or her findings regarding each investigation with Respondent and the school district's counsel. The ombudsman shall file a report with the Board by June 30 of each year for five (5) years following the acceptance of this order by the Board enumerating any complaints or

grievances filed in the school district and whether the investigative findings indicated violations of school district policies. Additionally, the ombudsman shall independently survey the school district staff via a secure electronic means to ensure anonymity for the staff regarding workplace conditions and whether co-workers are in compliance with school district policies regarding sexual harassment by May 15 of each year for five (5) years following the acceptance of this order by the Board. The results of the survey shall be included in the ombudsman's June 30 report to the Board.

6. Respondent shall not have any substantiation that he has violated his employing school district's sexual harassment policies. If a grievance or complaint against Respondent is substantiated, Respondent shall immediately notify the Board and Respondent's administrative and teaching certificate shall be immediately suspended and a disciplinary case initiated by the Board. Respondent's administrative and teaching certificate shall remain suspended until resolution of the Board's disciplinary actions.

7. Respondent shall not take any adverse employment actions toward the complainants to retaliate for their complaints herein. In the event Respondent takes any future employment actions involving the said complainants, or other employees, Respondent shall demonstrate by clear and convincing evidence that such action was taken for legitimate non-discriminatory, non-retaliatory reasons. Respondent is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

Vote: *Unanimous*

1310733 (Claudette Herald) Accept Agreed Order which states that Respondent has corrected the violations listed in the Office of Education Accountability's June 21, 2013 report. Additionally, Respondent agrees to complete professional development/training in the areas of appropriate management of certified school personnel and the Kentucky Department of Education's current graduation requirements as approved by the Board. Any expense incurred for said training shall be paid by Respondent. Upon receipt of proof by the Board that Respondent has completed the above training, Case No. 1310733 shall be dismissed.

Vote: *Unanimous*

Motion made by Ms. McMillen, seconded by Dr. O'Hair, to adjourn the meeting.

Vote: *Unanimous*

Meeting adjourned at 3:30 p.m.

Next Meeting: February 9, 2015
 9:00 AM
 EPSB Board Room
 Frankfort, Kentucky